

#25H
7-8-02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David Sidransky

Serial No. 09/164,764

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) Group Art Unit: 1655

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) Examiner: J. Souaya

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) Box AF

Filing Date: October 1, 1998

) Docket No. 01107.76459

For: **DETECTION OF HYPERMUTABLE NUCLEIC ACID SEQUENCE IN TISSUE
AND BODY FLUIDS**AMENDMENT AFTER FINAL REJECTIONAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This amendment is filed in response to the Office Action mailed February 4, 2002.

Claims 23-32 and 34-45 are currently pending. Claims 24-28, 34, 37, 38, and 42 are rejected.

Claims 23, 29-32, 35-36, 39-41, and 43-45 are indicated as allowable over the prior art. A petition for a two-month extension of time accompanies this submission. If any additional fee is due, please charge our Deposit Account No. 19-0733.

IN THE CLAIMS

Cancel claims 34-36, 38 and 42.

Amend claims 23 and 24 as follows:

/ 23. (Thrice Amended) A method for detecting lung cancer in a sputum specimen, comprising the step of:

testing a plurality of microsatellite markers in the specimen to determine a microsatellite marker length alteration relative to a control sample, wherein a microsatellite marker length alteration in the specimen relative to the control sample indicates the presence of a cancer in a

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